
Status & Remarks

The application presently contains the following claims:

<u>Independent Claim #</u>	<u>Dependent Claim #s</u>
1 (currently amended)	2-5, 7-10
11 (currently amended)	12-22
23 (currently amended)	24-27, 29-32
33 – 36 (deleted)	
38 (currently amended)	
39 (currently amended)	
40 (currently amended)	

Claims 1, 11, 23, and 38-40 are amended in this response. Claims 6 and 28 have been deleted in a previous office while claims 33-36 are deleted in this amendment response. No claims are added. Support for the "sliding movement" limitation may be found with reference to the Figures as originally submitted, particularly with reference to Figs. 1-4.

35 U.S.C. §102

The examiner has withdrawn rejections of all previously rejected claims under this section.

35 U.S.C. §103

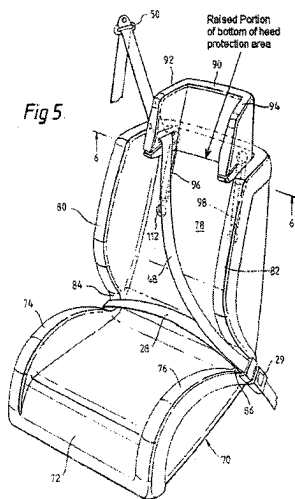
The examiner has withdrawn previous rejections under this section, subparagraph (a) as being unpatentable over *Burleigh et al.*, (hereinafter "*Burleigh*" or '639) in view of U.S. Patent No. 5,845,968 to *Lovie* (hereinafter "*Lovie*" or '968). However, the examiner has continued to reject claims 1-5, 7-8, 10-20, 22-27, 29-30, 32 and 38-40 as being unpatentable over *Burleigh* in view of U.S. Patent No. 6,478,377 B2 to *Kassai et al.*, (hereinafter "*Kassai*" or '377).

It is the position of the examiner that *Burleigh* discloses a car seat that is basically the same as that recited in the identified rejected claims except that indentations are not specified as extending into the middle section of the movable component, as recited in the claims. This missing limitation was found in *Kassai* (newly applied reference). For at least the following reasons, the characterization of *Burleigh* in light of the pending

claims, is incorrect.

The pending independent claims all recite at least one limitation which clearly distinguishes in a non-obvious manner over *Burleigh*, namely:

- said upper headrest width and said lower area width being essentially the same, said movement from said first (or retracted) to said second (or extended) position occurring by sliding movement of said movable component with said fixed component along said raised contoured sides of both said fixed and movable components.



Burleigh

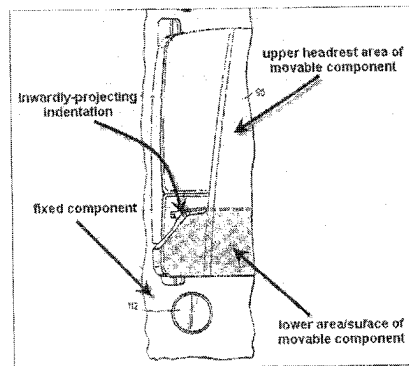
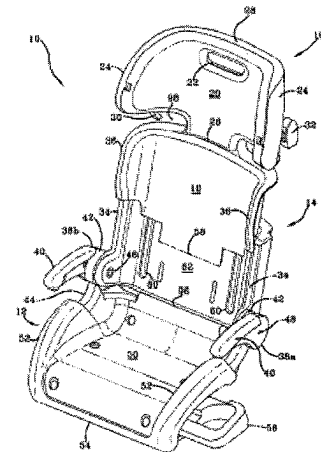


Diagram A - Annotated Figure 8 of Burleigh et al

Burleigh with examiner annotation



Meeker & Gibson

It is clear that *Burleigh*, even with the inwardly-extending indentation modification taught by *Kassai*, will still not achieve the width requirement as present in the claims. *Burleigh* with inwardly-extending indentations will remove the seat belt twisting issue brought to the attention of the examiner in the previously submitted amendment response by the applicant's attorney, but will **not** achieve the similar widths of both the upper headrest and lower area. By definition, *Burleigh* will always have a smaller width in comparison to its corresponding lower area. There is no way around this geometric limitation of *Burleigh* by combining any reference brought to bear on the patentability of the invention, absent going to the solution of *Meeker & Gibson*. This is now claimed by the addition of the limitation that the sliding movement occur along the raised contoured sides. This is physically impossible with the arrangement of *Burleigh*.

As argued previously, one of the benefits of the *Meeker & Gibson* invention resides in the fact that by having the indentations directed inwardly and laterally, the seat belt path does not have to twist as clearly shown above. Most rear seatbelts originate at from the top of the rear seat and extend across the chest of the occupant for fastening at the pelvis area opposite from the belt origination side. The *Burleigh* seatbelt path

requires that belt to twist 90° to be capable of being introduced into the *Burleigh* rearward-extending indentations followed by another 90° twist to position over the chest of the occupant. Twisting creates two problems: (a) slack in the belt; and (b) an area over which the full width of the belt is not in contacting engagement with the occupant. The issue with slack is that the occupant will be capable of more forward movement than is desired, thereby creating the potential for greater chest injuries from a rearward collision. The issue with less than full contacting engagement is that at the portion where the belt is not fully extended widthwise, there is less belt surface area in contact with the occupant, thereby creating less distributive force dissipative area, and defeating at least some of the benefits of using the seat belt. Only the *Meeker & Gibson* arrangement will successfully overcome all issues associated with belt twisting, since that is eliminated.

While the combination of the teachings of *Kassai* with *Burleigh* will potentially eliminate the issue of twisting discussed in the previous paragraph, it will not address the issue of *Burleigh* inherently having a smaller width for the headrest area when compared to the lower region of the seat. The configuration of *Burleigh* inherently must have a smaller headrest width. The combination of the teachings of *Kassai* do absolutely nothing to eliminate this undesirable feature of *Burleigh*. Thus, the claims as amended distinguish in a non-obvious manner over the combination of *Burleigh* in view of *Kassai*.

The examiner has represented that claims 8, 20 and 30 fail to invoke 35 USC §112, 6th paragraph because the recitation does not meet the 3-prong analysis set forth in MPEP §2181. The applicant's attorney respectfully requests the examiner for additional clarification on this point. The identified claims are not "means plus function" claims, but rather are specific embodiments of the "means plus function" claims which are present in the independent claims from which these claims depend, namely independent claims 1, 11 and 23. If the examiner could clarify the objection, then the applicant's attorney will respond as appropriate.

The predicate for the rejection for claims 11 and 13-15 is unclear, as it appears to be a verification of the position of the applicant's attorney, namely that the *Burleigh* movable component mates and nests with an outer contour of the fixed component, i.e., it slides within the contour, not upon the contour. This appears to be supportive of the position of the applicant and not a predicate for a rejection of the claims.

Claims 9, 21 and 31 stand rejected as being unpatentable over *Burleigh* in view of *Kassai* and further in view United States Patent No. 6,135,553, *Lovie et al.*, (hereinafter "*Lovie*" or '553). In light of the amendments made to the respective independent claims from which the identified dependent claims relate, this rejection is believed to have been rendered moot.

Response to Examiner's Observations

The examiner has concluded that the headrest width of *Burleigh* and the lower area width are essentially the same. With all due respect to the position advanced by the examiner, this is taking a very flexible and expansive approach to the teachings of *Burleigh*. However, in a spirit of cooperation, the inclusion

of an additional limitation involving sliding engagement of the raised contours of the respective fixed and movable component are believed to distinguish in a non-obvious manner over the Burleigh reference, as well as the Burleigh patent taken in combination of Kassai and/or taken in combination with Lovie.

None of the references which the examiner has brought to bear on the patentability of this invention incorporate sliding movement in a manner claimed in the independent claims pending in the application.

Request for Reconsideration

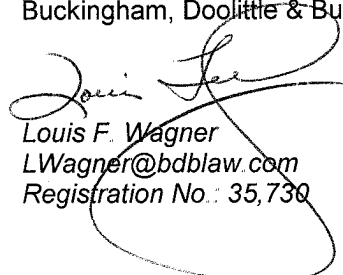
Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

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Respectfully Submitted,
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